



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

MELODIE SHULER,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION 2:19-1013-MGL-PJG
	§	
NORTH CHARLESTON POLICE	§	
DEPARTMENT, CHIEF EDDIE DRIGGERS,	§	
SERGEANT RONALD WEBB, OFFICER	§	
CLARENCE HABERSHAM, JUSTIN	§	
INFINGER, and OFFICER JUSTICE JENKINS,	§	
Defendants.	§	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
GRANTING DEFENDANTS' MOTION TO DISMISS,  
AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

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Plaintiff Melodie Shuler (Shuler) brought this 42 U.S.C. § 1983 action against Defendants North Charleston Police Department, Chief Eddie Driggers, Sergeant Ronald Webb, Officer Clarence Habersham, Justin Infinger, and Officer Justice Jenkins (Defendants). She is self represented.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendants' motion to dismiss be granted and Shuler's motion for summary judgment be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court.

*Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report March 19, 2020, but Shuler failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Defendants' motion to dismiss is **GRANTED** and Shuler's motion for summary judgment is **DENIED**.

**IT IS SO ORDERED.**

Signed this 16th day of April, 2020, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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#### **NOTICE OF RIGHT TO APPEAL**

Shuler is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.

